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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 15, 1993

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M. St., N.W.
Washington, D.C. 20554

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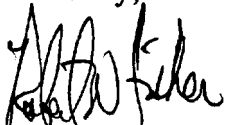
In Re: MM Docket 93-114
Amendment of LPTV Rules
Reply Comments

Dear Ms. Searcy:

Third Coast Broadcasting, Inc., licensee of LPTV station K56DP, hereby submits an original and four copies of its reply comments to the Notice of Proposed Rule Making MM Docket 93-114. Please file these comments in your normal manner.

If you have any questions, or need further information, please contact me.

Sincerely,


Robert W. Fisher
President

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Review of the)
Commission's Rules)
Governing the Low Power)
Television Service)
)

MM Docket No. 93-114

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**REPLY COMMENTS TO NOTICE OF PROPOSED RULEMAKING
BY THIRD COAST BROADCASTING, INC.**

Third Coast Broadcasting (Third Coast), licensee of LPTV station K56DP, Houston Texas, hereby submits its reply comments to Notice of Proposed Rulemaking MM Docket 93-114 (FCC 93-187) concerning the rule changes for the LPTV service proposed by the Commission. These reply comments are respectfully submitted as follows:

1. Third Coast respectfully presents our opinion that the proposed rule changes must be evaluated from the focus of service to the public. Although there are many perspectives presented within the Comments to the NPRM, we feel the focus should be kept on the public and providing service to the public. Third Coast feels that this objective is best served by permitting the implementation of LPTV in the least restrictive method possible under the previously established interference guidelines.

2. In agreement with the Comments of Michael Couzens of San Bernardino, we feel if the LPTV service is to be held now and in the future as a secondary service, it should not have unnecessary restrictions imposed upon it beyond what is actually required for interference protection. We agree now, as in our comments, that if interference criteria are met, and if the FCC is able to process the applications, LPTV construction permit and license modifications should be permitted in as broad a scope as possible under the minor change rules. We also agree with San Bernardino and others that a regularly scheduled filing window should be held, and we propose this to occur at least every 6 months.

3. Although some commenters have expressed concern that eliminating the "letter perfect" rule would create an avalanche of applications from the "application mills", we agree with San Bernardino that the application mechanisms are now very different from when the LPTV service was first available. The LPTV market is more mature now, with the availability of channels in the more populated areas somewhat limited and the engineering required to file for a new channel much more extensive than when the service was first opened for applications. An additional factor, with the

adoption of the proposed minor change rules, will be that pre-existing permittees and licensees will not be required to file in a window for relatively minor modifications. This will decrease the number of these applications in a window. We also agree with the CBA that the "letter perfect" rule unnecessarily increases the expense to implement an LPTV station and we strongly disagree with the comments of M&D Clients that this additional expense, in the form of additional Legal and Engineering fees, in some way improves the quality of the LPTV applicant or his ability to construct his station.

4. Third Coast agrees with the Comments of Smith and Powstenko with regard to the mechanisms of filing for a new application in a filing window. With the complexity of designing a system to comply with all of the spacing and interference rules in populated areas, it is necessary to use computerized methods. Although it is described as a secondary source, the FCC TV and Directional Antenna database is a very handy resource for analysis for LPTV applications. We feel that the number of conflicting applications under the proposed rules could be reduced by creating a 60 day application freeze prior to a scheduled major change filing window, in order for the FCC databases to be updated and distributed. This would be in the public interest by eliminating mutually exclusive application conflicts with unknown minor modifications. We also agree that an application error which is the result of an error in the FCC database or the result of a conflict with a re-instated LPTV station should be permitted to be corrected or modified.

5. Third Coast respectfully replies to Hammett and Edison's comments to present our opinion that antenna gain and radiation patterns should continue to be considered by the Commission as currently tabulated in the FCC Directional Antenna database. Only in the event of an antenna being proposed by the applicant as a special pattern, due to vertical elevation pattern effects, should the additional showing of vertical elevation pattern and radio